

Exhibit A

The New York Times | <https://nyti.ms/2IveXuk>

POLITICS

The Pruitt Emails: E.P.A. Chief Was Arm in Arm With Industry

By CORAL DAVENPORT and ERIC LIPTON FEB. 22, 2017

WASHINGTON — As Oklahoma's attorney general, Scott Pruitt, now the Environmental Protection Agency administrator, closely coordinated with major oil and gas producers, electric utilities and political groups with ties to the libertarian billionaire brothers Charles G. and David H. Koch to roll back environmental regulations, according to over 6,000 pages of emails made public on Wednesday.

The publication of the correspondence comes just days after Mr. Pruitt was sworn in to run the E.P.A., which is charged with reining in pollution and regulating public health. Senate Democrats tried last week to postpone a final vote until the emails could be made public, but Republicans beat back the delay and approved his confirmation on Friday largely along party lines.

The impolitic tone of many of the emails cast light on why Republicans were so eager to beat the release. And although the contents of the emails were broadly revealed in *The New York Times* in 2014, the totality of the correspondences captures just how much at war Mr. Pruitt was with the E.P.A. and how cozy he was with the industries that he is now charged with policing.

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energy costs for Oklahomans and American families across the states,” said one email sent to the offices of Mr. Pruitt and an Oklahoma congressman in August 2013 by Matt Ball, an executive at Americans for Prosperity. That nonprofit group is funded in part by the Kochs, the Kansas-born business executives who spent much of the past decade combating federal regulations, particularly in the energy sector. “You both work for true champions of freedom and liberty!” the note said.

Environmental groups rushed to condemn the correspondence.

“This extensive trail of emails reads like a yearslong chain of love letters between soul mates,” said Ken Cook, the president of the Environmental Working Group.

Mr. Pruitt has been among the most contentious of President Trump’s cabinet nominees. Environmental groups, Democrats in Congress and even current E.P.A. employees have protested his ties to energy companies, his efforts to block and weaken major environmental rules, and his skepticism of the central mission of the agency he now leads. As soon as this week, Mr. Trump is expected to announce at least two executive orders directing Mr. Pruitt to begin rolling back and weakening a set of Obama-era E.P.A. regulations aimed at limiting emissions that cause global warming, and at pollution in the nation’s rivers, streams and wetlands.

An Oklahoma judge ordered the release of the emails in response to a lawsuit by the Center for Media and Democracy, a liberal watchdog group. Many of the emails are copies of documents previously provided to The Times, which examined Mr. Pruitt’s interaction with energy industry players his office helps regulate.

The companies provided him with draft letters to send to federal regulators in an attempt to block regulations on greenhouse gas emissions from oil and gas wells, ozone air pollution and chemicals used in hydraulic fracturing, or fracking, the technique of injecting chemicals underground to extract oil and gas, the emails show.

Industry executives and Mr. Pruitt held secret meetings to discuss more

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and companies and the organizations they funded repeatedly praised Mr. Pruitt and his staff for the assistance in their campaign.

In his new job, Mr. Pruitt will regulate many of the companies with which he coordinated as attorney general of Oklahoma. From that perch, Mr. Pruitt took part in 14 lawsuits against major E.P.A. environmental rules, at times in coordination with energy companies such as Oklahoma Gas & Electric, whose executives held a fund-raising event for Mr. Pruitt, while he joined with the company to challenge a rule that would require it to upgrade or replace certain coal-burning power plants.

The emails show that his office corresponded with those companies — including Devon Energy, an Oklahoma oil and gas producer, and American Electric Power, an Ohio-based utility — in efforts to weaken federal environmental regulations, the same rules he will now oversee.

“Please find attached a short white paper with some talking points that you might find useful to cut and paste when encouraging states to file comments on the S.S.M. rule,” wrote Roderick Hastie, a lobbyist at Hunton & Williams, a law firm that represents major utilities, including Southern Company, urging Mr. Pruitt’s office to file comments on a proposed E.P.A. rule related to so-called start-up, shutdown and malfunction emissions.

The most frequent correspondence was with Devon Energy, which has aggressively challenged rules proposed by the E.P.A. and the Department of Interior’s Bureau of Land Management, which controls drilling on federal lands. In the 2014 election cycle, Devon was one of the top contributors to the Republican Attorneys General Association, which Mr. Pruitt led for two years during that period.

In a March 2013 letter to Mr. Pruitt’s office, William Whitsitt, then an executive vice president of Devon, referred to a letter his company had drafted for Mr. Pruitt to deliver, on state stationery, to Obama administration officials. Mr. Pruitt, meeting with White House officials, made the case that the rule to rein in methane emissions would harm his state’s economy. His argument was taken directly from Mr.

Whitsitt’s draft language

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“To follow up on my conversations with Attorney General Pruitt and you, I believe that a meeting — or perhaps more efficient, a conference call — with O.I.R.A. (the O.M.B. Office of Information and Regulatory Analysis) on the B.L.M. rule should be requested right away,” Mr. Whitsitt wrote to a senior member of Mr. Pruitt’s staff, referring to the section of the White House Office of Management and Budget that coordinates regulations throughout the government. “The attached draft letter (or something like it that Scott is comfortable talking from and sending to the acting director to whom the letter is addressed) could be the basis for the meeting or call.”

In an email from January of that year, Mr. Whitsitt thanked Mr. Pruitt’s office for pushing the Bureau of Land Management to loosen a proposed regulation on fracking.

“I just let General Pruitt know that B.L.M. is going to propose a different version of its federal lands hydraulic fracturing rule thanks to input received — thanks for the help on this!” Mr. Whitsitt wrote.

In another example, Mr. Pruitt’s office coordinated with the oil and gas lobbying group American Fuel & Petrochemical Manufacturers in petitions against two E.P.A. regulations: one mandating production of renewable fuels and another limiting pollution of smog-causing chemicals. In 2013, lawyers for the group met with Mr. Pruitt in Washington. In a July 2013 email, the group provided Mr. Pruitt’s office with language for a petition against the rules.

“This argument is more credible coming from a state,” Richard Moskowitz, general counsel at the American Fuel & Petrochemical Manufacturers, wrote to one of Mr. Pruitt’s aides.

Later that year, Mr. Pruitt filed petitions against both those rules.

On Tuesday afternoon, Mr. Pruitt addressed career E.P.A. employees to assuage unease with — and even rebellion against — their new boss. Mr. Pruitt praised the employees for their years of public service and promised to listen to them.

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“I believe that we as an agency, and we as a nation, can be both pro-energy and jobs and pro-environment. But we don’t have to choose between the two,” he told employees, even as he stressed that federal authority should be diminished, and that regulatory powers and oversight of pollution should be left largely to the states.

“Federalism matters,” he said.

The E.P.A. and the White House did not respond to requests for comment on the emails.

The emails do not appear to include any request for his intervention explicitly in exchange for campaign contributions, although Mr. Pruitt was separately working as a member of the Republican Attorneys General Association to raise money from many of the same companies.

The Oklahoma attorney general’s office withheld some documents, asking the judge to determine if they can be exempted from the order requiring their release. Other open-records requests from the Center for Media and Democracy, The Times and other news organizations remain pending.

Correction: February 22, 2017

An earlier version of this article misstated the role of Roderick Hastie, an employee at the law firm Hunton & Williams. He is a lobbyist, not a lawyer.

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A version of this article appears in **print** on February 23, 2017, on Page A13 of the New York edition with the headline: E.P.A. Chief Was Cozy With Energy Industry, Trove of Emails Shows.

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Exhibit B

What Scott Pruitt's confirmation means for the EPA

Updated by Brad Plumer | @bradplumer | brad@vox.com | Feb 17, 2017, 6:14pm EST



Not just another face in the crowd. | Photo by Aaron P. Bernstein/Getty Images

Of all Donald Trump's Cabinet picks, it's hard to find anyone who's been more overtly hostile toward the agency he's about to lead than Scott Pruitt has been toward the Environmental Protection Agency.

Pruitt made no secret of this; during his tenure as Oklahoma's attorney general, his **bio page called him** "a leading advocate against the EPA's activist agenda." Over the last six years, Pruitt **has filed lawsuit after (mostly unsuccessful) lawsuit** to halt EPA rules on mercury pollution from coal plants, thwart EPA plans to clean up the Chesapeake Bay, block President Obama's efforts to tackle climate change — and much, much more.

Pruitt's record is so stark that nearly 800 former EPA employees **signed a letter** opposing his confirmation. They criticized Pruitt's **cozy ties with Oklahoma's oil and gas industry**,

his opposition to the federal government regulating air pollution that crosses state lines, his history of downplaying global warming. “Mr. Pruitt’s record,” the letter states, “raises serious questions about whose interests he has served to date and whether he agrees with the longstanding tenets of U.S. environmental law.”

But none of this was enough to derail Pruitt’s nomination. Trump *wanted* an EPA head who would roll back Obama’s climate policies. And the modern-day GOP is in sync with Pruitt’s views on environmental regulation — namely, that the feds should do less of it. Pruitt also enjoyed **widespread support** among industry groups and conservatives, who have been running ads in his favor for months.

So, on Friday afternoon, the Senate confirmed Pruitt, with support from 50 Republicans (**Susan Collins** was the lone “no”) plus two Democrats (Joe Manchin and Heidi Heitkamp). Democrats tried to delay the vote until after Oklahoma **released** Pruitt’s email correspondence with the fossil fuel industry, but they were unsuccessful.

The big question now is how far Pruitt will actually go to reshape the nation’s environmental policies. It’s possible he’ll face intractable obstacles in trying to shrink the EPA’s reach over the next few years, hemmed in by various legal constraints and pushback from career staff. But it’s also possible that he’ll roll back the EPA’s climate policies and make it much, much tougher for both the United States and the world to tackle global warming for years to come. If the latter comes to pass, Pruitt could end up being one of Donald Trump’s most consequential Cabinet picks.

Pruitt will have a lot of power to change the EPA — but also faces serious obstacles



Obama's first EPA administrator, Lisa Jackson. | Photo by Chip Somodevilla/Getty Images

The EPA, an \$8 billion agency with 15,000 employees, is tasked with enforcing laws on everything from air pollution to chemical safety. It's guided by major statutes like the **Clean Air Act** and **Clean Water Act**, which often require the agency to update its regulations regularly to reflect new science on pollution and public health.

The EPA's political leadership has some latitude in deciding whether these rules should be stronger or weaker, but they have to work within the confines of those statutes. Under President George W. Bush, the EPA tried to issue relatively lax rules on **smog** and **mercury pollution**. But green groups sued, and those efforts got slapped down in court. The Obama administration later issued much more stringent smog and mercury rules, as well as ratcheting up dozens of other regulations, particularly on coal plants.

The EPA is also now the key US agency dealing with climate change. In 2007, the Supreme Court **ruled** that the EPA had authority to regulate greenhouse gases under the Clean Air

Act if it determined they pose a threat to public health or welfare. Obama's EPA determined **they do pose a threat**, and went about enacting a flurry of climate policies — stricter fuel economy standards for cars and trucks; limits on CO2 from new and existing power plants; regulations on methane leaks from oil drilling.

Pruitt clearly thinks Obama's EPA went too far on these fronts, arguing at his Senate confirmation hearing that the agency “became dissatisfied with the tools Congress had given it ... and bootstrapped its own powers and tools through rulemaking.”

Over the past six years, the courts have usually disagreed, **rejecting** many of Pruitt's lawsuits and upholding EPA actions. But as EPA administrator, Pruitt will now have much greater leeway to set policy. Here are a few broad actions he can take:

- **Rewrite and weaken some of Obama's EPA rules.** Rewriting existing EPA regulations **is a tricky, multiyear process** that requires going through formal rulemaking procedures. But Pruitt could, for instance, revamp Obama's **Clean Power Plan** to require far less extensive CO2 cuts from power plants. He could redo the EPA's **“Waters of the US” rule** so that the Clean Water Act applied to fewer streams and wetlands. Because rewriting rules is so time-intensive, “there's limited bandwidth here,” says Jeffrey Holmstead, a top EPA official in the George W. Bush administration. “But if I had to guess, I'd guess they get a couple of these big changes done.”
- **Delay the development of new rules.** Under the Clean Air Act, the EPA is eventually supposed to regulate other sources of greenhouse gas emissions beyond cars and power plants — including refineries, chemical plants, and so on. Pruitt could delay the introduction of additional climate rules indefinitely.
- **Scale back enforcement of existing regulations.** As attorney general of Oklahoma, Pruitt disbanded the state's Environmental Enforcement Unit. At the EPA, he could direct the agency **to be less aggressive about investigating companies** for pollution violations, bringing fewer cases to the Department of Justice.
- **Give more deference to the states.** Many US pollution rules are developed by the EPA but implemented by state agencies — the EPA approves state implementation plans and steps in if they're not being assertive enough. Pruitt has long insisted he'd like the EPA to be more deferential to state agencies, an approach he calls **“cooperative federalism.”** (Critics of this

approach worry that state agencies are often overly lenient on industry, and that states struggle to deal with pollution that crosses state lines.)

- **Change the way the EPA uses science.** The EPA's scientific advisory boards are tasked with synthesizing the latest science on pollution and public health so that regulations can be updated regularly, as the law requires. The Bush administration tended to stock these advisory boards with more industry-friendly voices — and **sometimes ignored their recommendations altogether.** This will be something to watch in Pruitt's EPA.
- **Push to shrink the EPA's budget.** Pruitt will also help shape the Trump administration's budget requests to Congress, and he could ask to shrink parts of the agency. Republican lawmakers **have signaled** they'd be happy to oblige. Budget cuts could further hamstring the agency's ability to enforce regulations and develop new rules. (Congress has already been whittling down the EPA's budget since 2011, and prosecutions for environmental crimes **have fallen by half during that time.**)

Now, there are limits to how far Pruitt can go. If his EPA starts missing statutory deadlines, or sidesteps rule-making procedures, or issues rules wildly out of step with what the Clean Air Act requires, he'll be stopped in court. America's environmental laws are unique **in offering ample opportunity** for outside groups to sue, and green groups like the Sierra Club and Natural Resources Defense Council are deft in using this to their advantage — they blocked dozens of Bush and Reagan-era deregulatory moves.

So, for instance, it's unlikely that Pruitt could tear up the EPA's **Endangerment Finding**, the 2009 analysis establishing that greenhouse gases were a threat and therefore need to be regulated, without Congress. "That has a voluminous scientific foundation behind it," **said** Jody Freeman, a Harvard law professor and former Obama climate adviser. "The Trump administration couldn't just come in and say, 'Nope, no more endangerment!' There's almost no chance that would be upheld [in court]."

But Pruitt is familiar with environmental laws and is likely to pick his battles carefully, says Holmstead. And green groups won't be able to stop everything he might want to do — **like pulling back on environmental enforcement** at oil and gas facilities (something Obama's EPA prioritized). "It's extremely difficult to challenge an agency on enforcement decisions,"

says Emily Hammond, a law professor at George Washington University. “Courts tend to treat that like prosecutorial discretion.”

Pruitt's most sweeping impact could be on climate change policy



Tick tock. | Photo by Joe Raedle/Getty Images

If you want to see how Pruitt's tenure at the EPA might play out, you should read this New York Times **piece** from 1989, written at the end of Ronald Reagan's presidency. Like Trump, Reagan came to office hoping to dismantle the EPA and make life easier for industry. Environmentalists feared the worst, as they do with Pruitt now.

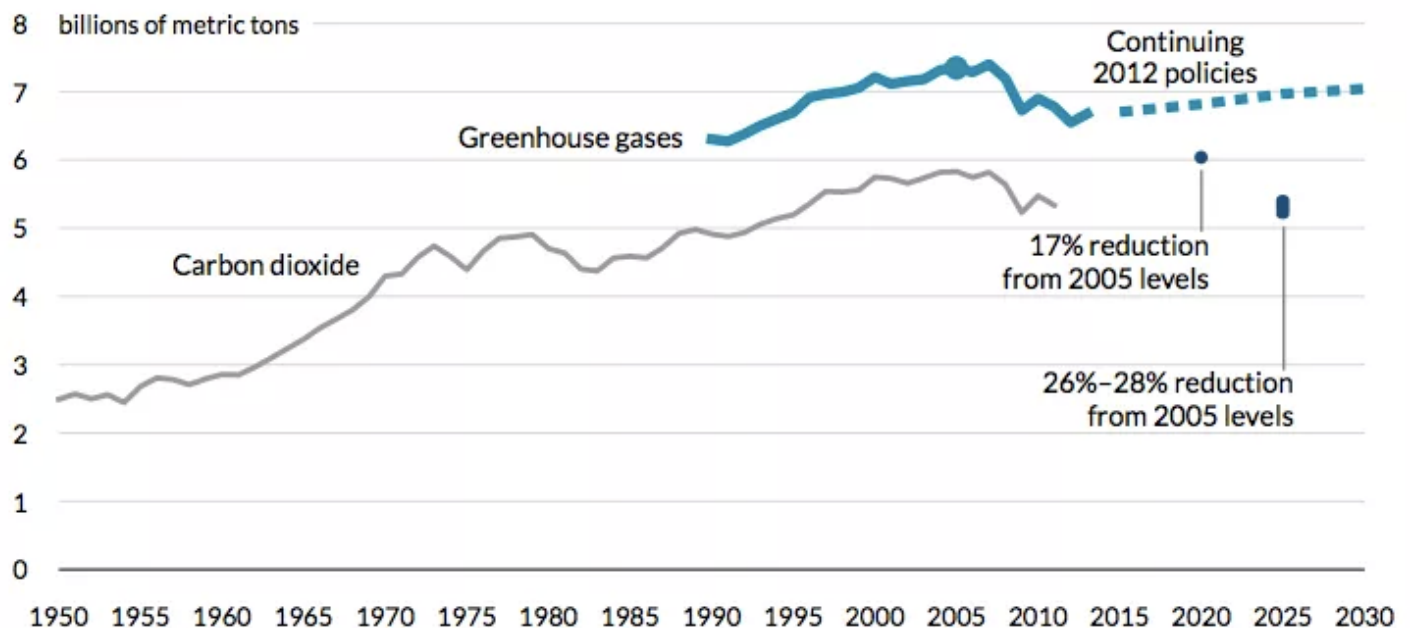
Things didn't exactly work that way. As Philip Shabecoff wrote in his Times look-back, the end result after eight years was a “stalemate.” To the disappointment of many conservatives, Reagan didn't radically reshape the EPA, in part because his political appointees made some serious missteps, in part because they were beaten back in court. The agency was left “more or less intact.”

Yet Reagan's appointees still had a real impact: "Environmental and conservation agencies were starved for money, the agencies were politicized and their staffs were demoralized, critics say. Worst of all, they say, the Government deliberately delayed attacking long-term problems like global warming linked to pollution, acid rain, toxic waste, air pollution and the contamination of underground water supplies."

A similar four- or eight-year delay today could prove even more fateful — thanks to the growing urgency around global warming. After years of dithering on climate policy, the world now **has precious little time to slash emissions** and avoid what world leaders consider a dangerous 2°C or even 3°C rise in global average temperatures.

During the Obama years, the US and the rest of the world were starting to make slow, fragile process on addressing this issue. The Obama administration set a goal of cutting US emissions at least 26 percent below 2005 levels by 2020 and **hoped that various EPA rules** — including the Clean Power Plan and limits on methane leaks — would get us there. These rules helped underpin the **Paris climate agreement**, under which all countries agreed to tackle their own emissions and ratchet up ambitions over time.

Figure 1. Carbon Dioxide and Greenhouse Gas Emissions, with US Climate Commitments



Sources: EPA, "Inventory of US Greenhouse Gas Emissions and Sinks;" "CAIT Climate Data Explorer;" World Resource Institute; US Department of State, 2014 US Climate Action Report to the UN Framework Convention on Climate Change, (Washington, DC: US Department of State, 2014).

Tax Policy Center)" data-chorus-optimize-field="main_image">

(Tax Policy Center)

Trump and Pruitt, of course, want to roll back many of those EPA rules. Obama's version of the Clean Power Plan (which is currently being challenged in court) would've prodded many states to shift from coal to cleaner gas and renewables. Pruitt's version might merely require coal plants **to slightly improve their heat-rate efficiency**, leading to far fewer emission cuts. Similarly, Pruitt **has suggested he might block** California's request to strengthen its clean car rules under the Clean Air Act — rules that have had a big impact on the US electric car market. And so on.

It's hard to predict exactly how much these actions will matter. One possibility is that they won't. Perhaps states **will continue to shift away from coal** and invest in renewables anyway, partly for economic reasons and partly because they know carbon cuts will be inevitable someday. (Emily Holden of E&E News **has a great interview** with an Arkansas regulator who notes that utilities are planning CO2 cuts because they expect the next president after Trump will push for stricter climate rules.) Perhaps electric cars will continue to catch on, as battery prices drop.

But it's also quite plausible that Pruitt's tenure at EPA could derail momentum on decarbonization in a way that will have major, long-term repercussions. Perhaps he works with Congress **to strip away the EPA's authority over greenhouse gases once and for all**, so that no future president can act. Perhaps the US fails so miserably to hit its emissions targets that other countries start winding back their own climate ambitions, leading to a hotter planet overall.

There are so many different factors at play, and the future is uncertain. But it's hardly inconceivable that decades from now, as the planet keeps warming, we could look back and see picking Scott Pruitt as one of Trump's more momentous decisions.

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EPA science under scrutiny by Trump political staff

By MICHAEL
BIESECKER and SETH
BORENSTEIN
Jan. 26, 2017

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WASHINGTON (AP) — The Trump administration is scrutinizing studies and data published by scientists at the Environmental Protection Agency, while new work is under a “temporary hold” before it can be released.

The communications director for President Donald Trump’s transition team at EPA, Doug Ericksen, said Wednesday the review extends to all existing content on the federal agency’s website, including details of scientific evidence showing that the Earth’s climate is warming and man-made carbon emissions are to blame.



Ericksen clarified his earlier statements he made to The Associated Press, which reported that the Trump administration was mandating that any studies or data from EPA scientists undergo review by



website that is under review by members of the Trump administration's transition team.

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He said new work by the agency's scientists is subject to the same "temporary hold" as other kinds of public releases, which he said would likely be lifted by Friday. He said there was no mandate to subject studies or data to political review.

Former EPA staffers under both Republican and Democratic presidents said the restrictions imposed under Trump far exceed the practices of past administrations.

Ericksen said no decisions have yet been made about whether to strip mentions of climate change from epa.gov

"We're taking a look at everything on a case-by-case basis, including the web page and whether climate stuff will be taken down," Erickson said in an earlier interview with the AP. "Obviously with a new administration coming in, the transition time, we'll be taking a look at the web pages and the Facebook pages and everything else involved here at EPA."

Asked specifically about scientific data being collected by agency scientists, such as routine monitoring of air and water pollution, Ericksen responded, "Everything is subject to review."

Trump press secretary Sean Spicer appeared to distance the president from the issue, telling reporters the communications clampdown at EPA wasn't directed by the White House.

Trump's nominee for EPA administrator, Scott Pruitt, said during his Senate confirmation hearing last week that he disagreed with past statements by the president alleging that global warming is a hoax perpetrated by the Chinese to harm U.S. economic competitiveness. But like Trump, Pruitt has a long history of publicly questioning the validity of climate science.

William K. Reilly, who was EPA administrator under Republican President George H.W. Bush, said what seems to be happening with science at the agency is "going down a very dark road."



conducted and reviewed in the agency. It said scientific studies should eventually be communicated to the public, the media and Congress "uncompromised by political or other interference."

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The scientific integrity document expressly "prohibits managers and other Agency leadership from intimidating or coercing scientists to alter scientific data, findings or professional opinions or inappropriately influencing scientific advisory boards." It provides ways for employees who know the science to disagree with scientific reports and policies and offers them some whistleblower protection.

George Gray, the assistant administrator for EPA's Office of Research and Development during the Republican administration of President George W. Bush, said scientific studies were reviewed usually at lower levels and even when they were reviewed at higher levels, it was to give officials notice about the studies — not for editing of content.

"Scientific studies would be reviewed at the level of a branch or a division or laboratory," said Gray, now professor of public health at George Washington University. "Occasionally things that were known to be controversial would come up to me as assistant administrator and I was a political appointee. Nothing in my experience would go further than that."

"There's no way to win if you try to change things," Gray said.

The AP and other media outlets reported earlier this week that emails sent internally to EPA staff mandated a temporary blackout on media releases and social media activity, as well as a freeze on contract approvals and grant awards.

Ericksen said Tuesday that the agency was preparing to greenlight nearly all of the \$3.9 billion in pending contracts that were under review. Ericksen said he could not immediately provide details about roughly \$100 million in distributions that will remain frozen.

The uncertainty about the contract and grant freeze coupled with the lack of information flowing from the agency since Trump took office have raised fears that states and other recipients could lose essential funding for drinking water protection, hazardous waste oversight and a host of other programs.

The agency also took a potential first step Tuesday toward killing environmental rules completed as President Barack Obama's term

AP

several states, renewable fuel standards and limits on the amount of formaldehyde that can leach from wood products.

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Jared Blumenfeld, who served until last year as EPA's regional administrator for California and the Pacific Northwest, compared what is happening to a "hostile takeover" in the corporate world.

"Ericksen and these other folks that have been brought in ... have basically put a hold on everything," said Blumenfeld, who regularly speaks with former colleagues still at the agency. "The level of mismanagement being exercised during this transition is startling and the impact on the public is alarming."

For example, he said EPA employees aren't clear whether they can direct contractors who handle all of California's Superfund sites. Some EPA employees have taken to their own social media accounts to say what's happening inside the agency, despite fears of retaliation.

"There's a strong sense of resistance," Blumenfeld said.

Associated Press writer Ellen Knickmeyer contributed from San Francisco.

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